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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/179,156 10/26/98 WATANABE

H FUJS-15.541

EXAMINER

WM02/1022

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EMPIRE STATE BUILDING 60TH FLOOR
NEW YORK NY 10118

MEHRPOUR, N
ART UNIT

PAPER NUMBER

2682
DATE MAILED:

10/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/179,156

Applicant(s)
Hideki Watanbae

Examiner
Naghmeh Mehrpour

Art Unit
2682



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 31, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-35**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterzell et al. (US Patent Number 5,722,063) in view of Sevic et al. (US Patent Number 6,069,525).

Regarding **Claims 1-3, 17, 34-35**, Peterzell teaches a radio receiver comprising plural communication system **each of which deals with a radio signal having a different power-density spectrum**, (See figure 7, numerals 710, 711), plural amplifiers (708, 709), and an control portion 740. Peterzell fails to teach that the control portion select an amplifier to be used according to the communication system of the received signal. However Sevic teaches an amplifier circuit comprising: plural amplifiers 104a-104n, a selection control portion 102 to select an amplifier to be used according to the radio communication system **mode the radio receiving system further comprising a CPU which selects, based on the radio signal received, a radio communication mode from the plural types of radio communication modes, and selects an amplifier corresponding to the selected radio communication mode from the plural types of amplifiers**, of the received signal (See figure 1 numerals 104a-104n, 102, Column 5 lines 37-44). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was

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made to provide above teaching of Sevic to Peterzell, it order to enable the user to select any of the dual system that she desires.

Regarding **Claims 4, 21, 31**, Peterzell teach a radio receiver wherein the output selection portion is entered to the down converter IF mixer (705) (Column 6 lines 34-42). The amplifiers are each constructed as one adapted for intermediate frequency (IF) band which amplifies the radio signal of the IF band (See figure 7 numerals 708, 710, 709, 711).

Regarding **Claims 5, 8,10-11,14, 16, 18-19, 23, 25, 28, 30, 33**, Peterzell teaches a radio receiver wherein the plural types of the radio communication system comprises a first communication system and a second communication system whose permissible noise signal levels differs from each other, the noise signal being caused to the received signal of itself due to that of the other radio communication systems which differs from the former (Column 3 lines 25-31). Peterzell fails to teach that the amplifiers being each set with a different bias current amount so as to each achieve an operating condition meeting the permissible noise signal level, and the bias current amount of the first amplifier is set greater than of the second amplifier. However Sevic teaches the amplifiers being each set with a different bias current amount so as to each achieve an operating condition meeting the permissible noise signal level, and the bias current amount of the first amplifier is set greater than of the second amplifier (See figures 2, 3, Column 5 lines 7-12, lines 37-42) . In Figure 3, Curve 302a is for FM system and 302b for CDMA system, curve 302a shows less current than curve 302B. Therefore, it would have been obvious to ordinary skill in the

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art at the time the invention was made to provide above teaching of Sevic to Peterzell, in, order to provide a system which works with different noise level.

Regarding **Claims 6, 12, 20, 26**, Peterzell teaches a radio receiver comprising plural communication systems. Peterzell detecting circuit fails to show that whether the first or second communication system will be used, wherein if the first communication system is detected the output of the distributing switch is switched to the first amplifiers, and if the second communication system is detected the output of the distributing switch is switched to the second amplifier side. However Sevic control circuit 102 is capable to detect that whether the first or second communication system will be used, wherein if the first communication system is detected the output of the distributing switch is switched to the first amplifiers, and if the second communication system is detected the output of the distributing switch is switched to the second amplifier, the control circuit determine whether a dual mode CDMA/AMPS mode of operation should be used (Column 4 lines 39-44, Column 6 lines 43-58). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Sevic to Peterzell, in order to provide a good quality dual system.

Regarding **Claims 7, 9, 13, 15, 22, 24, 27, 21, 32**, Peterzell teaches a radio receiver comprising plural communication systems, wherein the second communication system is an analog radio AMP communication system and the first communication system is digital CDMA (Column 5 lines 65-68, Column 6 lines 1-5).

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Response to Arguments

3. Applicant's arguments filed on 11/09/00 have been fully considered but they are not persuasive.

In response to the Applicant's argument that *the control portion 740 of Peterzell does not select a radio communication mode from plural types of radio communication modes, as the CPU is claimed to do. Peterzell only teaches a microcontroller 740 that allows a received signal to pass through a low noise amplifier 703 or bypasses the signal around the low noise amplifier, instead of changing the operating condition of the low noise amplifier, and Sevic is actually a control circuit 102 selecting the appropriate number of amplifier stages in response to a desired output power, not a CPU as claimed.*

Examiner responds that Peterzell teaches a radio receiver comprising plural communication system (See figure 7, numerals 710, 711), plural amplifiers (708, 709), and an control portion 740. Peterzell fails to teach that the control portion select an amplifier to be used according to the communication system of the received signal. However Sevic teaches an amplifier circuit comprising: plural amplifiers 104a-104n, a selection control portion 102 to select an amplifier to be used according to the radio communication system of the received signal (See figure 1 numerals 104a-104n, 102, Column 5 lines 37-44). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Sevic to Peterzell, in order to enable the user to select any of the dual system that she desires.

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CPU is a control process unit, and Sevic control unit is 102 (See figure 1 numeral 102), and Peterzell control unit is controller 1020 (See figure 10 numeral 1020), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).. In this case, Sevic teaches an amplifier circuit comprising: plural amplifiers 104a-104n, a selection control portion 102 to select an amplifier to be used according to the radio communication system of the received signal (See figure 1 numerals 104a-104n, 102, Column 5 lines 37-44). Peterzell teaches a radio receiver comprising plural communication system (See figure 7, numerals 710, 711), plural amplifiers (708, 709), and an control portion 740. In, order to provide a system which works with different noise level.

Conclusion

4. **Any responses to this action should be mailed to:**

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or faxed to:

(703) 308--6296, (for formal communications indented for entry)

Or:

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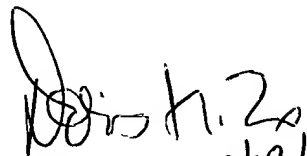
(703) 308-6306, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should
be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can
normally be reached on Monday through Thursday (first week of bi-week) and Monday through
Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

Oct 10, 2001


DORIS H. TO 10/18/01
PRIMARY EXAMINER